

Minutes of the Meeting  
Racine County Board of Drainage Commissioners  
March 8, 2018 – 1:30 P.M.  
Racine County – Ives Groves

**Item 1.** Chairman Alvin Wilks called the meeting to order at 1:30 p.m.

**Item 2.** Roll Call: Members Present: Commissioners Alvin Wilks, Alan Jaspersen, Russ Weis, John Vyvyan.

Excused: Greg Foat

Others Present: John W. Knuteson Attorney for Board, Mark Madsen, Engineer; Kim Williams, recorder, Al Jeske, Engineering Technician

**Item 3. Approval of Agenda.** Added to the Agenda is the approval of meeting minutes from January 25, 2018 and the Financial Report. Russ Weis made a motion to approve the agenda as amended, seconded by Alan Jaspersen and the motion passed unanimously.

**Item 4. Approval of Meeting Minutes of January 25, 2018 and February 26, 2018.** Russ Weis made a motion to approve the meeting minutes from January 26, 2018 and February 26, 2018, seconded by John Vyvyan and the motion passed unanimously.

**Item 4A: Financial Report (attached).** John Knuteson reviewed the Bills Paid Detail Report from September 2017 through February 2018, and December 2017 through February 2018, Bills to be Paid, District Account Balances and Loans with Community State Bank.

One item was questioned: Kim Williams will work with TaylorMade to review Commissioner checks.

**Financial Report:** Russ Weis made a motion to approve the financial report, seconded by Alan Jaspersen, and the motion passed unanimously.

**Bills paid and Bills to be Paid:** Alan Jaspersen made a motion to approve the bills paid, seconded by Russ Weis, and the motion passed unanimously.

**Farm #1 / Waterford**

**Item 5. Review and possible acceptance of bids for the District Tile Replacement Project Bids.** The lowest bidder for the Tile Replacement was Kartechner Brothers. The total amount from Kartechner Brothers is \$530,433.67 and broken down as follows: Drain Tile #1: \$27,540.90, Drain Tile #2: Alternate Bid: \$67,120.92, Drain Tile #3 – Phase 1: \$134,067.06, Drain Title No 3 – Phase 2: \$192,029.26 and Drain Tile #4: \$109,675.50. Alan Jaspersen made a motion to approve the 5 bids from Kartechner Brothers in the amount of \$530,433.67 subject to the successful approval of the assessment after the Public Hearing, seconded by John Vyvyan, and the motion passed unanimously. Al Wilks spoke with the representative of Kartechner

Brothers who was in attendance and explained that the Board will have a series of meeting such as a Public Hearing and Special Meeting to approve the Assessment immediately following the Public Hearing. John Knuteson also reviewed the assessment procedures regarding mailers, meetings, and public notices.

**Item 6. Discussion and Update on District Assessment.** Al Wilks said that RCBDC held a Special Meeting, on January 25, 2018, because Greg Foat would not be in attendance of today's meeting. During the special meeting it was discussed what projects needed to be completed and a discussed possible new levy of assessment. The bids received for the Tile Replacement Project were discussed and the Board feels that the work needs to be completed, because this project has been postponed for many years. A lot of the work is under roads and main highways. The Board is proposing a 10 – year Levy of Assessment for \$750,000.00. It was recommended that the Board attend the next Village of Waterford and request that RCBDC be added to their April Agenda. Alan Jasperson made a motion for a 10-year Levy of Assessment at \$750,000.00, seconded by Russ Weis, and the motion passed unanimously.

#### **Farm #4 / Eagle Creek**

**Item 7. Discussion and Update on District Assessment.** Russ Weis feels that the Board needs to table the Annexation of Eagle Creek for the moment; he feels that the Board should approve a new assessment then add the annexation afterwards. Al Wilks suggested that the Board could move forward with the annexation, but leave the Village of Rochester out of the Annexation. Currently there are 263 parcels and approximately 4,160 acres; if we go outside the watershed the number of parcels would increase to 1821 and approximately 10,000 acres. If you took the annexation to the Fox River the addition would be 1975 parcels and approximately 11,500 acres. Al Wilks said that the current assessment runs until 2018 and will need another assessment in motion and in place by the end of the year. The Board will attend the Village of Rochester April 9<sup>th</sup> Board Meeting and will discuss Annexation further at the June 12, 2018 Regular Board Meeting.

**Item 8. Discussion re: Betty Novy request for additional information prior to annexation.** The Board has requested that Kim Williams to contact the Village of Rochester and request that RCBDC be added to their April Agenda for further discussion. Al Wilks has requested that the Engineer attend the Village of Rochester Board meeting.

#### **Farm #5 / Hoosier Creek**

**Item 9. Review and possible acceptance of Branch 8 Tile Project Bids.** Kartechner Brothers provided a Change Order proposal for a requote to downsize the system. Original bid was \$244,405.00. The proposed Change Order is reduced by (\$61,773.20) for a new total of \$182,631.80. Russ Weis feels that \$182,631.80 is too much. Hoosier Creek has a lot of dredging that needs to be done first. RCBDC rejected the changed order proposal.

Russ Weis and Steve Ament have discussed putting in a tile from his property onto the east back in as it was which means putting in a 8” single wall tile in, and have Steve stay 20’ away on each side, seed grass and stay off of it completely. Steve said that he’s is losing crops and asked the

Board for permission to let him install 2 – 6” lines on both sides of the main and leave the main in. Steve asked the Board for help to pay for the tile. Russ Weis would like to talk to Lynn Peterson first to see how well it worked before the old tile broke. Russ Weis made a motion to grant Steve Ament \$5,000.00 to tile as he sees fit as a private tile instead of a drainage tile, seconded by Alan Jaspersen, and the motion passed unanimously.

**Item 10. Review and discussion for the possible Hoosier Creek District dredging projects.** Russ Weis spoke with Mike Gunderson and he was willing to de-brush from Brever Road to the River for \$8,000.00. Al Jeske reviewed the proposed dredging project budget costs. Al Wilks asked Russ Weis and Al Jeske to review and figure out how many projects can be done. (Table until June 12<sup>th</sup> meeting for update on what work will be done)

**Item 11. Discussion and possible action of the drainage at the CN Railroad and Hoosier Creek Road.** Russ Weis is in the process of setting up a meeting and have Robin Vos and the DNR attend, some property owners from the area and couple of Board Members

**Item 12. Update District Mapping and Specifications.** The mapping and specifications are complete. The next step would be to conduct a hearing per ATCP 48.20(2), to review mapping and specification prior to them being sent to DATCP.

**Item 13. Discuss letter to Nathan Plunkett re: Dale Noble’s request to bore under Hwy J to replace an existing private drain tile.** Dale Noble received his permit and is ready to go.

**Item 14. Update on Town of Brighton Road Issue.** Email was sent to John Kiel and Linda Perona from the Town of Brighton on March 5, 2018 regarding the SCM 1047 and CSM 1048. We are waiting to hear from John Kiel. Kim Williams will follow up and update at the June 12, 2018 meeting.

### Norway / Dover

**Item 15. Update on Outstanding Contract amounts and Current Financial Update.** Al Jeske said that currently we are under budget. RCBDC has paid \$2,141,141.82 and a remaining cost of \$475,194.74 is left to pay to complete the projects.

\*\*Steve Streuder said that spoils were piled on his property during the Norway / Dover Ditch Project. He asked the Board if he could dispose of the spoils himself with his equipment. It was suggested that Al Jeske speak with the Contractor to see if it was possible that that the disposal of spoils could be deducted from the contract so that Steve Streuder could do the work himself.

**Item 16 Review and possible acceptance of De-Brushing Bids of Canals and Spraying.** Received two bids. Gunderson Excavating, Inc. was the lowest bidder for the North Cape Ditch – CTH S to Britton Rd for \$4,650.00 and for Ditch No 8. Mike Gunderson thought they could do that portion later in the summer if it was dry; if not, it would have to wait until next winter. RLP Diversified was the lowest bidder for The Waubeesee Outlet Canal in the amount of \$45,750.00. For the spraying it was agreed to use Asplundh since they did a good job for the District in prior projects. The work would be under contract for Farm #5 / Hoosier Creek, all of Norway/Dover, and spot work on Farm #4 / Eagle Creek, and Yorkville/Raymond. Alan

Jasperson made a motion to approve the bids for Gunderson Excavating for Ditch No #8 for \$12,650.00 and North Cape Ditch – CTH S to Britton Rd for \$4,650.00, seconded by Russ Weis, and the motion passed unanimously. At this time the Board has decided not to proceed with the work at the Waubeesee Outlet Canal.

**Item 17. Update on Proposed Village of Rochester Agreement.** John Knuteson will be contacting Betty Novy to see if the Village of Rochester is interested in renewing the agreement between RCBDC and the Village of Rochester.

### **Yorkville / Raymond**

**Item 18. Discussion and possible action of Yorkville, Raymond and Union Grove Agreements.** RCBDC has provided information to Union Grove. John Knuteson said that in an email from Mark Janiuk that the Village of Union Grove is in the process of considering the proposal and they are consulting with both legal and engineering advisors, and that Mark Janiuk will respond once a decision has been made. Al Jasperson asked if the Budget amount that was emailed from Al Jeske on February 14, 2018, was sent to Mark Janiuk? John Knuteson responded saying that we would get the information to Mark Janiuk.

### **ALL DISTRICTS:**

**Item 19. Status on Recording Final Release of Levy of Assessments for all Districts.** John Knuteson explained that we are continuing to work on getting the final releases of all completed past assessments.

**Item 20. Update on the Racine County Intergovernmental Agreement.** John Knuteson reminded the Board why RCBDC entered into an Intergovernmental Agreement with Racine County. The Municipalities have been slow to send their payments. John Knuteson will contact Alex Tillman to discuss how RCBDC can obtain the payments on a more timely manner.

**Item 21. Update on Letters to Wisconsin Drainage Districts – Looking for Support.** John Knuteson said that he is in the process of drafting a letter to the various Wisconsin Drainage Districts. John is asking that the Board review the letter and ask for their recommendations.

**Item 22. Discussion and approval of KHQ's suggestion on revising assessment letter to landowners adding Wisconsin State Statutes 88.40(2) regarding Lien on Parcels.** Al Wilks read the new paragraph to be added to the landowner letter regarding the proposed assessment. The Board gave approval of the revised letter.

**Item 23. Discussion and approval of "Why Must I Pay Off The Levy Of Assessment In Full When Re-Financing Or Selling My Home" to be put on the website.** The Board authorized Knuteson, Hinkston & Quinn to add the document to the Drainage Website.

**Item 24. Discussion Regarding Prevailing Wage.** . John Knuteson explained that during the Norway/Dover Dredging project, Al Jeske submitted based on the dollar amount as a Prevailing Wage, then realized that there is an exception from prevailing wage to excluded maintenance for work for drainage ditches. Al advised the bidders that it was not a prevailing wage project but he didn't go back to the Workforce Development telling them to withdraw the prevailing wage

determination. The prevailing wage requirement has been eliminated by the State Legislature. The people who check to see if there are violations, are reviewing all the contracts that we've had. Al Jeske has submitted a request to withdraw the prevailing wage determination. John Knuteson and Al Jeske have responded to all their requests, and now we have 2 open records requests on these projects. They are all what we believe are clearly maintenance of drainage ditches that should be exempted and we've answered their questions on more than one occasion. We believe the response of DWD is going to be that they are not subject to prevailing wage.

**Item 25. Next Drainage Meeting.**

June 12, 2018 – 7:00 p.m.

September 6, 2018 – 7:00 p.m.

December 6, 2018 – 1:30 p.m.

**Adjournment.** Russ Weis made a motion to adjourn, which was seconded by John Vyvyan and passed unanimously at 4:00 p.m.

RACINE COUNTY BOARD OF DRAINAGE COMMISSIONERS

APPROVED: 06/12/2018

Al R. Wilk  
Chairman

Al Jesperson  
Secretary